

REMARKS/ARGUMENTS

Claims 1-17 are pending in the application. By way of this response, Claims 11 and 14 have been amended.

Claims 2-4, 7-10, 11-13 and 14-17 have been rejected under 35 U.S.C. §112. The rejection is traversed and should be withdrawn for the reasons noted below.

With regard to Claim 4, the Examiner asserts that there is no antecedent basis for "said top face." Applicant, however, notes that the antecedent basis for said phrase can be found in Claim 4, line 2 which recites that the bracket includes "a top face."

Claim 9 has been rejected on the basis that there is no support in the disclosure for the U-shaped lip of the upper brace member which abuts the lower brace member. Applicant, however, notes that support for this structure can be found in Figure 5 and the description on page 9, lines 1-4 of the specification.

Claims 11 and 14 have been rejected on the basis that it is unclear whether a combination or subcombination is being claimed because of the allegedly positive recitation therein of a bicycle wheel. Both claims clearly recite a bicycle rack comprising particular elements adjusted to cooperate with a support member for receiving and holding a bicycle, Applicant has appropriately amended both independent claims 11 and 14 to read in a manner most closely resembling independent Claim 1, i.e., a claim which the Examiner did not reject.

Claims 1-17 also stand rejected under the judicially create doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 5,992,645. Applicant has enclosed herewith an executed Terminal Disclaimer which renders the above rejection moot.

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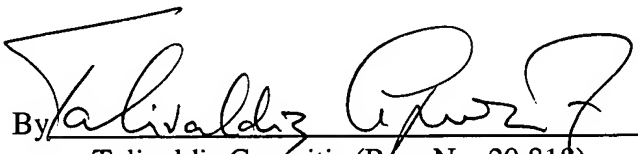
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In view of the above amendments and Terminal Disclaimer, Applicant respectfully requests the allowance of Claims 1-17 and the passing of this application to issue.

Respectfully submitted,

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